

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:	
	:	Case No. 11-58292
Deborah K. Thompson,	:	Chapter 13
	:	Judge Charles M. Caldwell
Debtor.	:	

DEBTOR'S MOTION TO VOLUNTARILY DISMISS CHAPTER 13 CASE

Deborah K. Thompson ("Debtor"), by and through her undersigned counsel, and pursuant to 11 U.S.C. §1307, hereby moves this Court (the "Motion") for an order dismissing the above-captioned chapter 13 case (the "Case"). In further support of the Motion, the Debtor respectfully represents as follows:

Background

1. The Debtor originally filed this Case on August 11, 2011 as a joint case with her husband, James H. Thompson. Mr. Thompson subsequently filed a *Motion to Deconsolidate Chapter 13 Case* on December 16, 2013 [Doc. No. 84] and the Court entered an Order granting that motion on February 11, 2014 [Doc. No. 88]. A *Notice of Split Case* was then entered on February 12, 2014 [Doc. No. 89] assigning Mr. Thompson to Case No. 14-50770.

2. Marital differences arose between the Debtor and Mr. Thompson post-petition and the Debtor's circumstances are now materially different such that the Debtor believes it is impractical for her to continue in her chapter 13 Case.

3. The Debtor therefore has requested her undersigned counsel to file a motion to voluntarily dismiss her Case.

Law and Argument

4. 11 U.S.C. §1307(b) provides that "[on] request of the debtor at any time, if the case has not been converted under section 706, 1112 or 1208, of this title, the court shall dismiss a case under this chapter. Any waiver of the right to dismiss under this subsection is unenforceable." 11 USC §1307(b).

5. As set forth above, the Debtor has had circumstances arise which make it impractical for her to continue her chapter 13 Case, and therefore, desires to voluntarily dismiss her Case. The Debtor's Case

has not been converted under sections 706, 1112 or 1208, and, consequently, dismissal is proper and should be granted upon the Debtor's request.

WHEREFORE, for all the foregoing reasons, the Debtor respectfully requests dismissal of her chapter 13 Case and for such other and further relief as is just and proper.

Dated: February 18, 2014

Respectfully submitted,

/s/ W. Travis Garrison

W. Travis Garrison (0076757)

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Counsel for Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 18, 2014, he caused a copy of *Debtor's Motion to Voluntarily Dismiss Chapter 13 Case* to be served electronically through the Court's ECF system on the following registered ECF participants at the email address registered with the Court:

- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
- W. Travis Garrison tgarrison@garrisonlawllc.com
- Brian M Gianangeli bgianangeli@mifsudlaw.com
- Roger W Goranson rgoranson@gpblaw.com
- Frank M Pees trustee@ch13.org
- Sarah A Williams sarah@judithmcinturff.com, court@judithmcinturff.com

and on the following parties by regular United States Mail, postage prepaid:

James H. Thompson
4821 Oakland Ridge Drive
Powell, OH 43065

and, unless noted otherwise, on the parties set forth on the attached Label Matrix by regular United States Mail, postage prepaid.

/s/ W. Travis Garrison

W. Travis Garrison (0076757)